

115TH CONGRESS  
1ST SESSION

# S. 884

To amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 6 (legislative day, APRIL 4), 2017

Ms. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SMALL MINER WAIVERS TO CLAIM MAINTENANCE FEES.**  
 2

3 (a) AMENDMENTS TO OMNIBUS BUDGET RECONCILIATION ACT OF 1993.—  
 4

5 (1) IN GENERAL.—Section 10101(d) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(d)) is amended—

6 (A) in paragraph (2)—

7 (i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately; and

8 (ii) by striking “(2) For purposes of” and inserting the following:

9 “(2) DEFINITION OF RELATED PARTY.—

10 “(A) IN GENERAL.—In”; and

11 (B) in the undesignated matter following subparagraph (A)(ii) of paragraph (2) (as so redesignated), by striking “For purposes of” and all that follows through the end of the section and inserting the following:

12 “(B) ASSOCIATED DEFINITION.—For purposes of subparagraph (A), the term ‘control’ includes—

13 “(i) actual control;

14 “(ii) legal control; and

1           “(iii) the power to exercise control  
2           through or by common directors, officers,  
3           stockholders, a voting trust, or a holding  
4           company or investment company, or any  
5           other means.

6           “(3) DEFECTS IN APPLICATIONS.—If a small  
7           miner waiver application is determined to be defec-  
8           tive for any reason (including the failure to timely  
9           file a small miner’s maintenance fee waiver applica-  
10          tion or an affidavit of annual labor associated with  
11          the application and required application fees), the  
12          claimant shall have a period of 60 days after receipt  
13          of written notification of the 1 or more defects pro-  
14          vided by the Bureau of Land Management by reg-  
15          istered mail—

16                 “(A) to cure any such defect; or

17                 “(B) to pay the \$100 claim maintenance  
18                 fee due for that period.”.

19           “(2) TECHNICAL CORRECTIONS.—Section 10101  
20          of the Omnibus Budget Reconciliation Act of 1993  
21          (30 U.S.C. 28f) is amended—

22                 (A) in subsection (a)—

23                         (i) in paragraph (1), in the second  
24                         sentence, by striking “the Mining Law of  
25                         1872 (30 U.S.C. 28 to 28e)” and inserting

1 “sections 2319 through 2344 of the Re-  
 2 vised Statutes (commonly known as the  
 3 ‘Mining Law of 1872’) (30 U.S.C. 22 et  
 4 seq.)”; and

5 (ii) in paragraph (2)—

6 (I) in the first sentence, by strik-  
 7 ing “subsection (a)(1)” and inserting  
 8 “paragraph (1)”; and

9 (II) in the second sentence, by  
 10 striking “the Mining Law of 1872 (30  
 11 U.S.C. 28 to 28e)” and inserting  
 12 “sections 2319 through 2344 of the  
 13 Revised Statutes (commonly known as  
 14 the ‘Mining Law of 1872’) (30 U.S.C.  
 15 22 et seq.)”;

16 (B) in subsection (b), in the first sentence,  
 17 by striking “main tenance” and inserting  
 18 “maintenance”; and

19 (C) in subsection (d)(1)(B), by striking  
 20 “the Mining Law of 1872 (30 U.S.C. 28–28e)”  
 21 and inserting “sections 2319 through 2344 of  
 22 the Revised Statutes (commonly known as the  
 23 ‘Mining Law of 1872’) (30 U.S.C. 22 et seq.)”.

24 (b) TRANSITION RULES.—

25 (1) DEFINITIONS.—In this subsection:

1 (A) COVERED CLAIMHOLDER.—The term  
2 “covered claimholder” means—

3 (i) the claimholder of the claims in the  
4 State numbered AA023149, AA023163,  
5 AA047913, AA047914, AA047915,  
6 AA047916, AA047917, AA047918, and  
7 AA047919 (as of December 29, 2004);

8 (ii) the claimholder of the claim in the  
9 State numbered FF-0593215 (as of De-  
10 cember 29, 2004);

11 (iii) the claimholder of the claims in  
12 the State numbered FS-58607, FS-  
13 58608, FS-58609, FS-58610, FS-58611,  
14 FS-58613, FS-58615, FS-58616, FS-  
15 58617, and FS-58618 (as of December  
16 31, 2003); and

17 (iv) the claimholder of the claims in  
18 the State numbered FF-53988, FF-  
19 53989, and FF-53990 (as of December  
20 31, 1987).

21 (B) STATE.—The term “State” means the  
22 State of Alaska.

23 (2) TREATMENT OF COVERED  
24 CLAIMHOLDERS.—Each covered claimholder shall be  
25 considered to qualify for relief under section

1 10101(d)(3) of the Omnibus Budget Reconciliation  
2 Act of 1993 (30 U.S.C. 28f(d)(3)), and shall have  
3 the opportunity to cure under that section, for any  
4 prior period during which, as applicable—

5 (A) 1 or more defects existed in the small  
6 miner’s maintenance fee waiver application;

7 (B) an affidavit of annual labor associated  
8 with a small miner’s maintenance fee waiver ap-  
9 plication was not properly filed; or

10 (C) there existed a failure to pay claim  
11 maintenance fees.

12 (c) AMENDMENT TO FEDERAL LAND POLICY AND  
13 MANAGEMENT ACT OF 1976.—Section 314(c) of the Fed-  
14 eral Land Policy and Management Act of 1976 (43 U.S.C.  
15 1744(c)) is amended—

16 (1) by striking “(c) The failure” and inserting  
17 the following:

18 “(c) FAILURE TO FILE.—

19 “(1) IN GENERAL.—Except as provided in para-  
20 graph (2), the failure”; and

21 (2) by adding at the end the following:

22 “(2) EXCEPTION.—If the owner of the mining  
23 claim or mill or tunnel site fails to timely file an in-  
24 strument required under subsection (a)—

1           “(A) the Secretary shall provide to the  
2 owner by registered mail written notification of  
3 the failure to timely file; and

4           “(B) the owner shall have a period of 60  
5 days after receipt of the notification described  
6 in subparagraph (A) to file such instrument.”.

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